

EXHIBIT J

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WENDELL SHANE MACKEY,

Plaintiff,

Case No. 2:17-cv-12359

v.

JUDGE BERNARD A. FRIEDMAN

JAMES MICHAEL BERRYMAN,
Mayor of the City of Adrian, Michigan;
MARGARET M.S. NOE, Judge of the
Lenawee County Circuit Court,

MAGISTRATE DAVID R. GRAND

Defendants.

HADDAD LAW FIRM, PLC
By: Issa G. Haddad (P71699)
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JOHNSON, ROSATI, SCHULTZ & JOPPICH
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**PLAINTIFF'S FIRST DISCOVERY REQUEST
(INTERROGATORIES AND REQUEST FOR DOCUMENTS)
TO DEFENDANT NOE**

NOW COMES Plaintiff, W. Shane Mackey, by and through counsel, Issa G. Haddad pursuant to Fed. R. Civ. P. 26, 33, and 34, and for Plaintiff's First Discovery Request (Interrogatories and Request for Documents) to Defendant Noe, states as follows:

PART I – INSTRUCTIONS

A. General

If you believe that any of the following requests are ambiguous, vague, or confusing, please send correspondence as soon as possible to the undersigned counsel describing the ambiguity, vagueness, or confusion, and it will be promptly clarified in reply correspondence.

If you believe that any of the following requests are unduly burdensome, please send correspondence as soon as possible to the undersigned counsel describing the reasons why the request is unduly burdensome, stating whatever information and knowledge and providing whatever documents called for in the request, and an attempt will be made to rephrase the request (or subpart) in reply correspondence to lessen the burdens of compliance. Any such reply correspondence may be treated by the parties to whom it is addressed as a modification of the original discovery request.

If you refuse to provide requested information due to a claim of privilege, you must still answer the remainder of the request, and in lieu of providing the

claimed privileged information, you must produce a Privilege Log which contains at a minimum:

1. The privilege claimed;
2. The grounds upon which the refusal is based with sufficient specificity and detail to permit a determination of the propriety of such refusal;
3. The identity of each document, person, communication, and fact upon which you base your assertion of privilege;
4. The general topic of the any document(s) or information that you claim are privileged;
5. The person(s) who prepared any document(s) or information that you claim is privileged;
6. The person(s) who have custody of any document(s) or information that you claim is privileged;
7. The approximate date that the document(s) or information was prepared;
8. The length of the document(s) or information;
9. The present location of the document(s) or information; and
10. The identity of each document, person, communication, and fact which might tend to refute the existence or validity of such privilege or other objection or which might tend to substantiate waiver or nonexistence of the privilege or other objection (*e.g.*, identify each person who has had

access to some or all of the information would otherwise be responsive to the unanswered portion of the request).

The phrase “describe with specificity and detail” as used herein requires that you:

1. Provide underlying facts rather than conclusory statements of fact and/or law;
2. Where applicable, particularize as to time, place and manner; and
3. Set forth all relevant facts necessary to the complete understanding of the act, process, event or thing being described.

You are under a continuing duty to supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at trial and the subject matter on which said expert witness is expected to testify. You are also under a continuing duty to correct any response which you later learn is incorrect.

B. Interrogatories

Pursuant to Fed. R. Civ. P. 33, within thirty (30) days from the date this request is served, you must prepare and file answers – separately, fully, in writing, and under oath – to the following interrogatories and serve a legible copy of your answers on the attorney for the requesting party. An interrogatory is not

objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact. If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party's business records (including electronically stored information), and if the burden of deriving or ascertaining the answer will be substantially the same for either party, you may answer by specifying the records that must be reviewed, in sufficient detail to enable the requesting party to locate and identify them as readily as the responding party could and giving the requesting party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure. The person who makes the answers must sign them, and the attorney who objects must sign any objections.

C. Request for Production of Documents and Things

Pursuant to Fed. R. Civ. P. 34, within thirty (30) days from the date this request is served, you must produce for inspection and copying a complete and legible copy of the requested documents at Haddad Law Firm, PLC, 30600 Telegraph Road, Suite 3150, Bingham Farms, Michigan 48025. If you object to producing any requested item or category of requested items, you must either state that inspection and related activities will be permitted as requested or state with

specificity the grounds for objecting to the request, including the reasons. You may state that you will produce copies of documents or of electronically stored information instead of permitting inspection. An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest. When producing documents or electronically stored information, you must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request. If a request does not specify a form for producing electronically stored information, you must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

PART II – DEFINITIONS

“Communication” means any meeting, conversation, words heard or spoken, document delivered or sent, and any other means of transferring thoughts, ideas, or other information. This definition encompasses all “documents” as that term is hereinafter defined.

“Communications App” means any software application capable of sending or receiving text messages, telephone calls, or any other form of communication, including but not limited to telephone calls, text messages, instant messages, photographs, videos, etc. This includes but is not limited to Facebook

Messenger, Messenger Kids, Skype, WhatsApp, Viber, Google Allo, Google Hangouts, Google Voice, Slack, Microsoft Teams, Snapchat, Telegram, Text Me, TextNow, Kik, Apple Message, Burner, TalkU, TextFree, Telos, and any other software application that can be used for sending or receiving text messages, telephone calls, or any other form of communication.

“Date” means the weekday, month, day, and year.

“Defendant” shall mean one or all of the persons or entities so listed or identified in the Complaint.

“Document” is used in the broadest sense of the word and includes but is not limited to any and all writings, drawings, graphs, charts, photographs, phone records, and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form. A document that contains any note, comment, addition, deletion, insertion, annotation, marginalia, or any other alteration compromises a non-identical legible copy of another document and shall be treated as a separate document subject to production.

“Fact” means any act, omission, transaction, circumstance, occurrence, event, chronology, sequence, communication, or document and includes but is not limited to the preparation, dispatch, or receipt of any document; the occurrence of any communication;

“Or” shall be construed in the conjunctive.

“Person” means, in the singular as well as the plural, any natural person, proprietorship, firm, association, partnership, corporation, governmental department, governmental agency, or any other business or legal entity and its agents and employees.

“Plaintiff” shall mean one or all of the persons or entities so listed or identified in the Complaint.

“Related to” or **“relate to”** means relating to, referring to, pertaining to, consisting of, reflecting, evidencing, concerning or in any way logically or factually connected with the referenced subject matter.

“Requesting party” means the party to this action who served this request.

“Social media” means any form of electronic communication through which users create online accounts or profiles and share information, personal messages, and other content. Social media websites include but are not limited to Facebook, Twitter, Youtube, Instagram, Reddit, Tumblr, Google+, Baidu, Pinterest, LinkedIn, Foursquare, Badoo, MySpace, Vine, Snapchat, Classmates, Friendster, Gaia, Quora, and any other form of electronic communication through which users create online accounts or profiles and share information, personal messages, and other content.

“You” or “your” mean the party to whom this request is directed and all persons presently or formerly acting or purporting to act for or on behalf of said party, including but not limited to agents, attorneys, consultants, employees, guarantors, indemnitors, representatives, sureties, and servants and any and all persons acting on behalf or in the interest of any such person.

All references to the singular shall include the plural and the plural shall include the singular.

All references to the masculine, feminine, or neuter pronoun shall not exclude the other genders.

PART III – INTERROGATORIES

Interrogatory Number 1: Please provide the name of any Internet Service Provider (ISP) that you used to access the internet from January 1, 2017, to December 31, 2017.

Response to Interrogatory Number 1:

Interrogatory Number 2: Please provide the subscriber name, subscriber street address, and subscriber telephone number for each Internet Service Provider (ISP) identified in Interrogatory Number 1.

Response to Interrogatory Number 2:

Interrogatory Number 3: Please provide all Internet Protocol (IP) addresses (whether IPv4 or IPv6) through which you accessed the internet from January 1, 2017, to December 31, 2017, including but not limited to any Internet Protocol (IP) addresses assigned to your home and place of work during this period of time.

Response to Interrogatory Number 3:

Interrogatory Number 4: Please provide the name of any Telecommunications Service Provider (TSP) that provided telecommunications services through which you made telephone calls from January 1, 2017, to December 31, 2017.

Response to Interrogatory Number 4:

Interrogatory Number 5: Please provide all subscriber telephone numbers that you used to make telephone calls from January 1, 2017, to December 31, 2017.

Response to Interrogatory Number 5:

Interrogatory Number 6: Please provide the Uniform Resource Locator (URL) for any social media (as that term is defined above) used by you or anyone acting on your behalf from January 1, 2017, to December 31, 2017.

Response to Interrogatory Number 6:

Interrogatory Number 7: Please identify all Communications Apps (as that term is defined above) installed on any electronic device owned or used by you from January 1, 2017, to December 31, 2017.

Response to Interrogatory Number 7:

Interrogatory Number 8: Please identify all Communications Apps (as that term is defined above) used by you from January 1, 2017, to December 31, 2017.

Response to Interrogatory Number 8:

PART IV – DOCUMENT REQUESTS

Document Request Number 1: Please provide copies of any complaint that relates or pertains to you that has been filed with any attorney ethics entity, including *but not limited to* the Michigan Attorney Grievance Commission, the Michigan Attorney Disciplinary Board, or the Michigan Bar Association. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 1:

Document Request Number 2: For any complaint identified in Document Request Number 1, please provide copies of any response or reply that was drafted by you or on your behalf. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 2:

Document Request Number 3: For any complaint identified in Document Request Number 1, please provide copies of any decision or order that resolved or otherwise concluded the complaint. If you claim that any document responsive to

this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 3:

Response to Document Request Number 4: Please provide copies of any complaint that relates or pertains to you which was filed with any judicial ethics entity, including but not limited to the Michigan Judicial Tenure Commission. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 4:

Document Request Number 5: For any complaint identified in Document Request Number 4, please provide copies of any response or reply that was drafted by you or on your behalf. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 5:

Document Request Number 6: For any complaint identified in Document Request Number 4, please provide copies of any decision or order that resolved or otherwise concluded the complaint. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 6:

Document Request Number 7: Please provide copies of any document that relates to, pertains to, or otherwise references in any way the Personal Protection Order issued in the matter of *James M. Berryman v Wendell Shane Mackey*, Lenawee County Circuit Court Case No. 17-44270-PH, including but not limited to any notes, diaries, or other personal documentation regarding this matter.

Response to Document Request Number 7:

Document Request Number 8: Please provide copies of any photograph depicting you and Defendant James Berryman.

Response to Document Request Number 8:

Document Request Number 9: Please provide copies of all posts made on any social media website by you or anyone acting on your behalf from January 1, 2017, to December 31, 2017. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 9:

Document Request Number 10: Please provide copies of all documents that relate or pertain to Plaintiff or to this matter, including *but not limited to* any electronic mail messages, text messages, or any other documents. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 10:

Document Request Number 11: Please provide a copy of your entire Facebook profile data for each Facebook profile created or accessed by you. If you need assistance obtaining this data, please see the attached Instructions on How to

Download Facebook Profile Data. If you claim that any document responsive to this request is privileged, please provide a privilege log containing the information identified in the General Instructions section of this request.

Response to Document Request Number 11:

Document Request Number 12: Please produce for forensic analysis any electronic communications device used by you from January 1, 2017, to the present.

Response to Document Request Number 12:

Respectfully submitted,

HADDAD LAW FIRM, PLC

/s/ Issa G. Haddad



By: Issa G. Haddad (P71699)

Attorney for Plaintiff

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Tel: (248) 633-8500

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issa@haddlaw.com

Dated: November 7, 2018

Instructions on How to Download Facebook Profile Data

1. Login to your Facebook account. If you have more than once Facebook account, you will need to login and to implement the following instructions for each and every account.
2. After logging in to your Facebook account, click on the rightmost icon (a downward pointing dark blue triangle) located near the top of the page.
3. A dropdown menu will appear. Choose the "Settings" option from the dropdown menu.
4. Choose "Your Facebook information" located in the left-hand column located near the top of the page.
5. Choose "Download your Information" from the middle of the page.
6. Your browser will proceed to a page entitled "Download Your Information." In the middle of this page, choose the following options:

Date Range: All of my data

Format: HTML

Media Quality: High

7. In the "Your Information" section, ensure that all checkboxes for all categories are checked. This includes the categories Posts, Photos and Videos, Comments, Likes and Reactions, Friends, Following and Followers, Messages, Groups, Events, Profile Information, Pages, Marketplace, Payment History, Saved Items, Your Places, Apps and Websites, Other Activity, Ads, Search History, Location History, Calls and Messages, About You, and Security and Login Information.
8. Click on the blue icon in the middle of the page entitled "Create File."
9. You will receive a confirmation email at the email address that you used to register the Facebook profile you are downloading.
10. Shortly after receiving the first confirmation email, you will receive a second email containing hyperlinks entitled "Available Files" and "Download Your Information."

Instructions on How to Download Facebook Profile Data (cont'd)

11. Click on the link entitled "Available Files." Your browser will proceed to a Facebook page entitled "Download Your Information."
12. On the Facebook page entitled "Download Your Information," click the button located near the center of the page entitled "Download." (Be sure to download this information soon after receiving the email containing the hyperlink because the "Available Files" "Download Your Information" hyperlinks in the second email will expire within a few days.)
13. You will be prompted to enter your Facebook password in order to begin downloading your Facebook profile data. Enter the password for the Facebook profile that you are attempting to download. Again, if you have more than one Facebook account, you will need to login and repeat this process for each and every account.
14. The Facebook profile data will download as compressed .zip file.
15. Do *not* alter the compressed .zip file or any of its contents in any way whatsoever.
16. Copy and paste (drag and drop) the compressed .zip file to a USB drive, burn it to a DVD, or otherwise transfer the compressed .zip file to a portable electronic storage media of your choice. The portable electronic storage media of choice must be one ordinarily used by typical computer users.
17. Provide the USB drive, DVD, or other portable electronic storage media to your attorney for forwarding to the party who requested the Facebook profile data.

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EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WENDELL SHANE MACKEY,

Plaintiff,

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v.

JUDGE BERNARD A. FRIEDMAN

JAMES MICHAEL BERRYMAN,
Mayor of the City of Adrian, Michigan;
MARGARET M.S. NOE, Judge of the
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MAGISTRATE DAVID R. GRAND

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PROOF OF SERVICE

The undersigned certifies that s/he served a copy of Plaintiff's 1st Discovery Request (Interrogatories and Request for Documents) to Defendant Noe and this

Proof of Service upon all parties of record, or their counsel if represented, by U.S.

First Class mail on the date set forth below.

Dated: November 7, 2018

/s/ Issa G. Haddad



Affiant

Haddad Law Firm, PLC.

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